

OFFICE OF THE CLERK  
**UNITED STATES BANKRUPTCY COURT**  
DISTRICT OF RHODE ISLAND

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**NOTICE OF ADOPTION**

**Amendment of Local Rules and Forms Effective March 3, 2003**

2016-1, 3015-1, 4003-1 and R.I. Bankr. Forms C, C.2, C.3 (new), C.4 (new), D and K.2  
R.I. Bankr Forms G and H are Abolished

Pursuant to 28 U.S.C. §2071, Fed.R.Civ.P. 83, Fed.R.Bankr.P. 9029, and the November 11, 1990 Order of the U.S. District Court Authorizing Promulgation of Local Bankruptcy Rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that the Local Rules and Forms listed above have been amended.

Copies of the amended local rules and forms are available at the Clerk's office or on our website at [www.rib.uscourts.gov](http://www.rib.uscourts.gov). These rule and form amendments are effective beginning March 3, 2003, and shall apply to all cases filed on or after this date, and all cases pending in this court as of this date.

February 24, 2003

FOR THE COURT

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Susan M. Thurston, Clerk

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND**

**AMENDED LOCAL RULES AND FORMS**

Effective March 3, 2003

**RULE 2016-1**      **COMPENSATION FOR SERVICES RENDERED AND  
REIMBURSEMENT OF EXPENSES**

- (a)    **Application for Compensation of Professionals, including Chapter 11 and Chapter 7 trustees.** In addition to the provisions of Fed. R. Bankr. P. 2016, each application and any attachments shall:
- (1)    be legible and understandable;
  - (2)    identify the time period or periods during which services were rendered;
  - (3)    describe the specific services performed each day by each person with the time broken down into units of tenths of one hour devoted to such services;
  - (4)    include a copy of any contract or agreement reciting the terms and conditions of employment and compensation;
  - (5)    include a copy of the order authorizing the employment;
  - (6)    include the date and amount of any retainer, partial payment or prior interim allowances;
  - (7)    include a brief narrative description of services performed and a summary of hours by professionals and other personnel;
  - (8)    if the trustee is also serving as his or her own attorney, the trustee's attorney's application must contain a certification that no compensation has been or will be sought for services as an attorney which are properly trustee services; and

- (9) include a brief biography of each person included in the fee application, stating his or her background and experience. The statement should demonstrate that the hourly rate charged for each professional is reasonable, and should include such information as the applicant deems pertinent to that issue. After the initial application, biographies need not be included in subsequent applications, other than for professionals whose biographies were not included in the initial application. With respect to professionals who have previously filed such a biography with this Court, he/she may indicate that fact on the application and need not repeat said biography unless the Court so orders.
- (10) include the fee application summary sheet contained in **R.I. Bankr. Form C.2**, which summary shall also include a key to the initials or other device used to identify each such person in itemized billings. Additionally, all requests for interim fees shall include **R.I. LBR Form C.3**, “Interim Fee Allowance Summary” and all requests for payment of final fees and expenses shall include **R.I. LBR Form C.4**, “Final Fee Allowance Summary.” Any fees that remain unapproved from a previous interim application for compensation or that were partially allowed on account must be requested again in a final fee application and shall be included on **R.I. LBR Form C.4**.
- (b) **Applications by Co-counsel.** Any application for compensation by co-counsel shall specify the separate services rendered by each counsel and contain a certification that no compensation is sought for duplicate services.
- (c) **Applications by Trustees Exceeding \$5,000.** If an application for compensation and reimbursement by a chapter 7, 11 or 12 trustee exceeds \$5,000.00, the trustee shall state:
  - (1) the total amount received in the estate;
  - (2) the amount of money disbursed and to be disbursed by the trustee to parties in interest (excluding the debtor) and a calculation of the maximum fee allowable under 11 U.S.C. § 326;
  - (3) a brief narrative description of services performed;
  - (4) if the payment sought is interim compensation, why the payment of interim compensation is reasonable and appropriate;

- (5) the dividend, expressed as a percentage of funds to be distributed to creditors, if the requested compensation and other requested administrative expenses are allowed in the amounts requested. If a trustee has served both as a chapter 7 and a chapter 11 trustee, separate itemizations must be provided for each period. The amount of compensation shall be stated as a dollar amount, regardless of the calculation of the maximum compensation allowable under 11 U.S.C. § 326(a).
- (d) **Narrative Summary Required on Applications Exceeding \$35,000.** All applications which seek more than \$35,000.00 in compensation, or are otherwise very lengthy, must be divided into narrative sections. Each narrative section must represent a task, must describe the task and the benefit to the estate, and must identify the work done by each professional. There shall be attached to the narrative a specific description of services performed under such task each day by each person and the time devoted to such services on that day by each person. The end of each narrative section must include a summary chart that substantially conforms to the requirements of section (a)(10) of this rule.
- (e) **Reimbursement of Expenses.** Attached hereto as **Appendix III** is the Rhode Island Standard Expense List. The Court will approve reimbursement of reasonable and necessary expenses at the levels set forth in Appendix III, subject to an applicant requesting reimbursement at other levels upon proof that the reimbursement levels set by the Rhode Island Standard Expense List are inadequate in view of the applicant's actual costs. The Rhode Island Standard Expense List may be amended by the Court from time to time.
- (f) **Exception for Retention of Professional for Specified Service.** See R.I. LBR 2014-1(e).
- (g) **Regulation of Retainer Fees.** In any case in which the professionals retained or to be retained hold or receive retainer funds, whether from the debtor or from any other source for the benefit of the debtor or for the benefit of an appointed trustee or committee, such retainer funds shall be deposited in a segregated, federally-insured, interest-bearing account. Retainers held pursuant to this LBR are to be held solely for the benefit of the bankruptcy estate, until such time as an order for their disposition issues. None of the retainer funds deposited shall be withdrawn until the professional complies with the provisions of this subdivision.
- (1) **Motion for Authority to Draw Down on Retainer Funds.** A person who has applied for employment

pursuant to 11 U.S.C. § 327 may file a motion with the Court to draw down on retainer funds held pursuant to this LBR prior to the filing of any application under 11 U.S.C. §§ 330 or 331. A motion filed under this LBR shall provide that such funds will not be drawn down until at least fifteen (15) days after service of an itemized bill upon the debtor, the local office of the United States trustee and any committee(s) appointed pursuant to 11 U.S.C. § 1102.

- (2) In most cases, a percentage “hold back” of such retainer funds will be ordered by the Court. All retainer funds distributed pursuant to this LBR are subject to review and approval by the Court upon the filing of an interim and/ or final fee application. All applicants should be aware that the Court may, after review of the interim and/ or final fee application, order disgorgement of any retainer funds previously distributed under this LBR.

- (h) **Sanctions for Noncompliance.** Failure to comply with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or these LBRs regarding applications for compensation may result in the *sua sponte* denial of the application.

## **RULE 3015-1**

## **CHAPTER 13 PLAN**

- (a) **Form of Plan.** A Chapter 13 plan shall conform to **RI Bankr. Form W**, with such alterations as may be appropriate to suit the circumstances. Additionally, each plan shall contain the following:
- (1) **Signature(s).** Every plan or amendment thereto shall be signed by the Debtor, and
- (2) **Date.** Every plan or amendment thereto shall be dated as required by Fed. R.Bankr. P. 3015(c).
- (b) **Filing the Chapter 13 Plan and Service of Plan on all Creditors and Interested Parties.** The debtor’s attorney, or the debtor, if pro se, must, in addition to the time requirements for filing the Chapter 13 Plan with the court pursuant to Fed.R.Bankr.P. 3015(b), must also serve a copy of the proposed chapter 13 plan on the chapter 13 trustee, all creditors and all interested parties within twenty-four (24) hours of its filing with the Court. A certificate of service evidencing compliance with this rule shall be filed with the Court within ten (10) days thereafter.

**RULE 4003-1**

**EXEMPTIONS**

- (a) **Specificity.** A debtor's claim of exemptions shall be specific and shall, as to each item or category of items claimed as exempt, designate by title, section and subsection, the statutory basis for the claim. The schedules must disclose the debtor's exemption claims with meaningful particularity and the debtor must be prepared to provide detailed information regarding assets claimed as exempt at the meeting of creditors. In joint cases, exemptions claimed by each debtor shall be listed separately.
- (b) **Objections.** An objection to an exemption(s) shall contain the notice language set forth in LBR 1005-1(e) with a ten day response time, and shall appear below the signature block of the objecting party, or otherwise be conspicuously set forth within the objection.